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The June 7, 2002 DNA legislative and media summary is listed below.

These reports are prepared by Tim Schellberg and Lisa Hurst of Smith Alling Lane (253) 627-1091, on behalf of Applied Biosystems. Text of legislation can be obtained by following the appropriate state-link at this site: <http://www.ncsl.org/public/sitesleg.htm>. Please see the appropriate media website for the newspaper articles.

COMMENTS

A Louisiana jurisdiction plans to begin collecting DNA from arrestees. The all-felons DNA database bills passed by legislatures in Illinois and Maryland continue to find supporters, and officials are preparing to implement the new all felons statute in Utah (includes probationers and parolees).

A "cold hit" on Oregon's database has encouraged Portland to review its policies for sending in no-suspect rape kits for analysis. DNA linked 8 sexual assaults to a probationer in Texas, and has been used to link jailers in two different states to sexual assaults against inmates. Editorials continue to support proposals for federal funding for DNA backlogs.

Post conviction DNA testing cases made the news in Nebraska, Mississippi and Ohio.

In international news...expanded DNA powers may create a backlog in Australian courts, and New Zealand has set aside funding for DNA testing. A "cold hit" in Canada linked an arsonist to five sex crimes, and a Canadian inmate is receiving a new trial due to post conviction DNA testing. DNA from a cigarette butt linked a mother to the fire death of her children in Great Britain, and DNA exonerated a suspected child rapist in South Africa. A scholar in Pakistan is urging greater government investment in forensic DNA, and Taiwan has identified 102 of 225 plane crash victims through DNA. A DNA database was in the news in Czechoslovakia.

STATE LEGISLATION

Genetic Privacy / Research

1. New York SB 7500 – Prohibits genetic discrimination in health insurance.

NEWS ARTICLES

Forensic DNA

1. "Panel Chairman Seeks Study of FBI Reorganization." The Washington Post, June 5, 2002.
The Justice Department's reorganization plan for the FBI includes division of the FBI's laboratory operations into two sections -- one handling traditional forensics such as fingerprint and DNA analysis, and a new Investigative Technologies Division.
2. "New prisons and more police to hit the beat." AAP Newsfeed, June 4, 2002.
In New South Wales, Australia, the Police Minister has announced that more than \$9 million is set aside this year for DNA testing, the digital ballistics identification system and the continued roll-out of the digital fingerprinting system to police stations across state.
3. "Keating says castration measure makes Oklahoma "look silly." The Associated Press State & Local Wire, June 4, 2002.
The Governor of Oklahoma has said that a measure allowing certain sex offenders to be castrated makes Oklahoma "look silly." The bill requires a DNA test proving guilt before surgical castration. The bill has

passed both chambers of the legislature, but the Governor has not said whether he will sign it.

4. "Convicted killer first to ask for new trial under DNA law." The Associated Press State & Local Wire, June 4, 2002.
In Nebraska, A man convicted of killing a woman over a drug debt 14 years ago could be the first person to receive a new trial under a new state law requiring the state to pay for DNA testing. The inmate wants a new trial because DNA tests done at the state's expense found no traces of the blood on the evidence used to convict him. Experts had testified during his original trial that they found the victim's and the inmate's blood on his jacket, sweater and pants.
5. "Court awaits mask test." The Daily Telegraph (Sydney), June 4, 2002.
In Sydney, Australia, DNA tests on a plastic pig mask will be compared to samples taken from a man charged on with the assault of a union organizer last year. The tests were done on the mask and a balaclava found at the victim's front gate after the "bashing."
6. "Records: Rape suspect was on probation." Fort Worth Star Telegram, June 4, 2002.
In Arlington, Texas, police now believe that a rape suspect, who was released two years early from a 12-year probated sentence for a 1994 burglary conviction, is responsible for eight sexual assaults and a robbery while he was being monitored by probation officers. DNA testing has linked him to the crimes.
7. "Court wants DNA sample from pair in incest case." The Record (Kitchener-Waterloo), June 4, 2002.
In Canada, A woman and her son, who allegedly produced a child together, were forced in Kitchener court to provide a DNA sample. Police became aware of the couple last June after the sudden death of a two-year-old girl, one of three children allegedly produced by the couple. The son's defense lawyer said the warrant for the DNA samples is invalid and he will fight it at some point. He said the Crown doesn't have evidence beyond a reasonable doubt to prove the couple are mother and son.
8. "No Timetable For Search For Cal Jet Crash Victims." Central News Agency, June 3, 2002.
Taiwan's Minister of the Interior said that the government would continue indefinitely the search for the 123 unrecovered bodies of the 225 people killed in the China Airlines jet that crashed May 25 into the Taiwan Strait. So far, 102 bodies -- 44 males and 58 females -- have been found and identified with the aid of DNA matches.
9. "Inmate's Lawyer Wants Change In DNA Test Rules." The Commercial Appeal (Memphis, TN), June 3, 2002.
An inmate's lawyer in Mississippi says that the state's method of deciding which convicts can have the testing may stymie other inmates' efforts. In Mississippi, a judge decides if there's a compelling reason to order DNA testing, and a prosecutor also must cooperate in bringing the case forward for the DNA testing to happen. The Mississippi Prosecutors Association opposes any changes in the process to determine whether an inmate should undergo DNA testing.
10. "Rapist freed as 'no danger' struck again." Daily Mail (London), June 3, 2002.
In England, a serial rapist was freed early by judges because he was 'not a long-term danger to women'. Less than two years after being let out of jail, he broke into a 22-year-old student's home, overpowered her and tied her up. He was linked to the crime through DNA.
11. "Convicted killer to get third trial." Vancouver Sun, June 3, 2002.
In Vancouver, Canada, a man convicted 10 years ago of a first-degree murder will get a third trial. The defense lawyer has produced fresh evidence that questioned the reliability of DNA testing done on the blood found on a shoe at his home. The defense produced an expert report, funded by legal aid, that found the DNA test results were "scientifically inconclusive with a significant and plausible chance of critical misinterpretation." The man's second murder trial heard evidence that blood on a shoe seized from his home was found to closely match the victim's blood through DNA testing. The man said that they were not his shoes.
12. "Swabbing' felons for DNA." The Associated Press State & Local Wire, June 2, 2002.
A new law in Utah requires DNA to be collected from all convicted felons in prison and on probation or parole. Corrections officials are warning that collecting the DNA from about 5,400 felons in Utah prisons and another 11,000 in the community could be tricky. "Where this will become interesting is when we get inmates who refuse (to be swabbed). Some will have a very good reason to refuse - they could be tied to unsolved crimes," he said. The Bureau of Forensic Services has pointed out that because they require buccal swabs, a trained medical

professional is not needed. Officials at the lab are preparing instructional videos for corrections workers, describing how the samples are to be gathered and shipped. "They can just pop the kits into the mail. It's quite convenient," he said. "The real work comes in analyzing the samples ... Without federal funding we would be overwhelmed."

13. "Police reevaluate policy after recent breakthrough." The Associated Press State & Local Wire, June 2, 2002. In Portland, Oregon, the police bureau says it has changed its policy on analyzing DNA evidence from sex crimes after evidence from unprocessed rape kits helped link four different rapes that occurred over a five-year period. Detectives struggling to solve the a rape and murder of a 14-year-old girl found more than 1,000 rape kits that never had been submitted to the state crime lab. The bureau recognized the need for new protocol - particularly after an analysis of two kits from 1997 helped link those cases and the child's. The new policy requires police to routinely route all rape kits to the state crime lab unless one or more of the following applies: No crime can be identified. The case is determined to be unfounded. The case stretches beyond the state's 12-year statute of limitations for sex crimes with DNA evidence. The rape kit has no evidentiary value. The case has been adjudicated and evidence is no longer needed.
14. "DPP fears WA courts can't cope." Perth Sunday Times, June 2, 2002. According to Western Australia's Director of Public Prosecutions, a rising crime rate coupled with proposed DNA legislation will put WA courts under pressure. Rising crime and the new DNA legislation will mean that more people will be charged with suspected offences. The Director said the effectiveness of his office was dictated by the courts' ability to hear trials and predicted the backlog would "blow out". "It was put to me that, if the DNA database was brought in and there is compulsory DNA testing, there could be up to a 30 per cent increase in offences detected and charges. And certainly I agree with that," he said.
15. "Iberia sheriff now wants DNA taken from anyone arrested." Sunday Advocate (Baton Rouge, LA), June 2, 2002. In Louisiana, the Iberia Parish sheriff's office plans to begin taking DNA samples routinely from suspects, an idea that a civil liberties group is roundly criticizing. The Iberia Parish sheriff plans to take saliva swabs of suspects, beginning in the fall. "All arrestees are going to be swabbed," Sheriff Sid Hebert said. "If we can legally take prints, why can't we take saliva?" The ACLU claims that such a collection of DNA samples infringes on constitutional rights.
16. "DNA Evidence Proves Invaluable." The Sunday Oregonian, June 2, 2002. Editorial in favor of federal funding for offender DNA analysis and DNA casework analysis. Specifically promotes the Senate's "Debbie Smith Act" introduced by Senator Maria Cantwell (D-WA). "This testing would help solve countless unsolved murders and rapes as terrible as the crimes suffered here in Portland, in communities that had no answers, only questions, up until now."
17. "Ehrlich Calls for End To Death Penalty Halt." The Washington Post, June 2, 2002. In Maryland, the leading GOP candidate for Governor is calling for expanded DNA testing, saying it would help give credibility to the legal system, which many African Americans believe targets them unjustly. Additional DNA testing would not only help establish the guilt of some suspects but clear others. That should be just as important as catching criminals, he said. This year, the General Assembly voted to require anyone convicted of a felony to give a DNA sample but stopped short of providing the \$ 1.5 million in funding for maintaining the expanded database.
18. "Experts: Door open for more DNA cases." The Boston Herald, June 1, 2002. In Massachusetts, veteran defense lawyers are saying that a recent guilty verdict in a case in which the victim's body was never found is likely to spur prosecutors to bring more such cases to court when they don't have a corpse. "Without a doubt," said one attorney. "The development of DNA evidence will clearly enable prosecutors to bring charges of homicide when heretofore they never would have been able to do so. The traditional way of producing expert testimony as to the cause of death and the connection of the defendant to the cause of death may be proven alternatively through extrinsic evidence such as DNA."
19. "Execution hangs on DNA from shoe." The Plain Dealer, June 1, 2002. Ohio has granted its first last-minute DNA test to one of the state's 200 death-row inmates. The Attorney General said she approved the genetic exams because the condemned prisoner "has exhausted his state and

federal appeals and could be executed in the very near future." In a federal court filing disclosing the DNA tests, she also said that she did not expect the results to clear the inmate.

20. "Former jail supervisor charged in rape case." The Associated Press State & Local Wire, May 31, 2002.
In Oklahoma, Tulsa County authorities have filed a second-degree rape charge against a former jail supervisor accused of engaging in sexual activity with a female inmate. The supervisor was charged after DNA tests were completed.
21. "Efforts to identify human remains far from over, despite end of trade center cleanup." The Associated Press State & Local Wire, May 31, 2002.
The New York City Medical Examiner's office expects to take about eight months to complete the work of identifying 19,587 body parts, and has already begun preserving some remains in case future technology facilitates DNA identification. Thus far, 1,102 victims of the Sept. 11 attack on the trade center had been identified, 350 of them solely from DNA evidence. DNA has been used to confirm other identifications, which were based on things such as dental records, fingerprints and other identifying information.
22. "Genetic test leads to charges." The Associated Press State & Local Wire, May 31, 2002.
In Snohomish County, Washington, prosecutors say recently received DNA test results led to a male nurse at the county jail being charged with having sexual contact with a female inmate. An investigation into the matter began after jail officials intercepted a letter. The letter had been sent to a friend of the victim but was returned to the jail for insufficient postage. Jail officers intercepted the letter and found a red plastic bag containing a fluid. The bag is one that is readily available in the jail for disposal of tampons and feminine hygiene pads. The woman's letter said the fluid was semen, and she asked her friend to freeze it. According to court documents, the victim said she had been sexually assaulted in the jail, but did not identify the assailant.
23. "Candidates back expanding DNA database." Chicago Daily Herald, May 31, 2002.
In Illinois, both candidates for Illinois Attorney General support the recently passed bill to expand the state's DNA database to include all convicted felons. They have both urged Governor Ryan to sign the bill. The Governor has not indicated whether or not he will sign the legislation, but has not spoken against it. The legislation included a \$200 fine on convicted felons to help pay for the testing.
24. "Setting The DNA Trap For Rapists." The Seattle Post-Intelligencer, May 30, 2002.
In Washington state, US Senator Maria Cantwell and King County Prosecutor Norm Maleng are pushing for federal legislation the senator has introduced to provide about \$125 million in federal money to help ease the backlog of DNA evidence in rape cases. It also would increase the number of nurses who conduct evidence-gathering rape examinations. The crime lab director said that DNA evidence for 524 cases was sitting untested on shelves. Investigators for police departments across the state, fully aware of the lab's backlog, haven't even submitted evidence in hundreds or thousands of other crimes.
25. "Czech news agency schedule of events for 30 May 02." BBC Worldwide Monitoring, May 30, 2002.
The following news event was scheduled in Czechoslovakia for May 30 – "Interior Minister Stanislav Gross inaugurates new genetics workplace with presentation, including DNA National database following, Bartolomejska 10, Prague 1, 1:00 p.m."
26. "Accused smoked at death car blaze." Courier Mail, May 30, 2002.
In Great Britain, a mother accused of torching her three children in a horrific car fire smoked two cigarettes at the scene of the tragic blaze, a court was told. The Southport Magistrate's Court was told the DNA of the mother was left on two cigarette butts found only meters away from the charred remains of her station wagon.
27. "Foolish to overlook potential of DNA to solve serious crime." The Daily News (New Plymouth), May 30, 2002.
Editorial in a New Zealand paper in support of expanding police powers with respect to DNA evidence. Specifically supports a bill that would make the current DNA database statute retroactive to include "serious offenders" jailed prior to the date of enactment. "Civil libertarian protests will carry little weight among the long-suffering law-abiding population. People who commit offences, violating property and people, forgo the rights the rest of us enjoy, and it would be foolish to ignore this valuable scientific aid on such flimsy argument."

28. "DNA ties biker to sex attacks." Montreal Gazette, May 30, 2002.
In Canada, a 28-year-old man, now serving 31/2 years for attempting to torch an east-end bar, has been named as a suspect in five sexual assaults on Montreal women within a six-month period. The 16 new charges were filed several months after the man was ordered by a judge to turn over a DNA sample when he pleaded guilty to attempting to set fire to the bar. The man had not previously been a suspect in the rapes and was linked through a "cold hit" on the offender DNA database.
29. "Second Baby Rape Suspect Freed After Negative DNA." SAPA (South African Press Association), May 30, 2002.
In South Africa, a second suspect in the rape of a five-month-old baby girl in Johannesburg in December last year was released after DNA tests failed to link him to the incident.
30. "Police chief reshuffles top NOPD personnel." The Times-Picayune (New Orleans), May 30, 2002.
A reshuffling of personnel at the New Orleans Police Department has made Capt. Tami Brisset commander of the Crime Lab.
31. "EDU-1st National conference 2002 on Forensic Sciences." The Pakistan Newswire, May 28, 2002.
A two-day National Conference on Forensic Sciences, Environment and Applied Technology, Hepatitis and HIV, titled "Awareness at All Levels" has begun in Karachi, Pakistan. At the inaugural ceremony, the Chancellor of Ziauddin Medical University urged the government to establish fully equipped forensic labs as centers of excellence to keep apace of modern world. He observed that revision of training in forensic pathology and forensic sciences is essential for harmonizing forensic systems to succeed. DNA probing is a vital forensic application as it helps in identifying criminal suspects from a crime scene by conducting DNA finger printing,

Genetic Privacy / Research

32. "Senators back genetic privacy." San Antonio Express-News, June 2, 2002.
US Senators are expected to take up genetic discrimination issues this summer. They're preparing legislation to stop "genetic discrimination" they say could result in people being denied jobs or health insurance or forced to pay higher premiums, depending on their genetic makeup. President Bush has signaled support for genetic privacy legislation, saying use of such information amounts to "medical speculation" because a genetic predisposition to a condition does not mean it will develop."
33. "Danforth, Eagleton Favor Cloning Cells For Research." St. Louis Post-Dispatch, May 31, 2002.
Former Sens. John C. Danforth and Thomas Eagleton joined scientists and patients at a news conference Thursday to express support for therapeutic cloning. They are two of a growing number of noted abortion opponents who say that while producing a human baby through cloning is wrong, medical research on cloned stem cells could save millions of lives and should be supported.

Paternity

34. "Paternity cases on rise." Sunday Mail (SA), June 2, 2002.
In Australia, millions of dollars in child support refunds may be sought from mothers as more men use DNA tests to check if they are the fathers of their children. Doctors and lawyers predict a surge in DNA-based court cases by duped dads seeking repayment of maintenance in light of two landmark court cases. In Melbourne, a man is asking for \$30,000 paid over 14 years to be repaid by his ex-wife after genetic tests showed he is not his son's biological father.
35. "Father Takes DNA Paternity Fraud Case To U.S. Supreme Court." US Newswire, May 31, 2002.
The US Supreme Court will consider whether to take up the case of a man who is forced by court order to pay child support for a child that is neither his biological nor adopted child. The man has tried to get the lower courts to overturn the child support order, but they have refused. Nationally, this issue has picked up great momentum. Ohio and, most recently, Georgia have passed legislation that allows men proven by DNA testing not to be the father of a child to be released from child support payments. Georgia passed paternity legislation with votes overwhelmingly in favor of releasing non-dads from being forced to pay child support. In Georgia, the legislation passed the House 163-0 and the Senate 45-5. California is currently considering similar

legislation.

36. “Men gain a rare victory in political gender war as DNA bill passes.” Sacramento Bee, May 29, 2002.
In California, the state Assembly has voted 51-3 to make it easier for men to challenge child-support orders when DNA tests prove that they are not the biological fathers of the children involved. The measure’s backers say it is a matter of fundamental fairness, likening it to DNA tests that free wrongly convicted prisoners. But critics said it would plunge more children into poverty. The bill faces an uncertain future in the Senate, and even if it clears that hurdle, an uncertain fate in the Governor’s hands.